

CAYUGA INDEPENDENT SCHOOL DISTRICT STUDENT DRUG TESTING POLICY

OVERVIEW

Cayuga Independent School District has a vital interest in maintaining a safe and healthy environment for all of its students. The District understands that the use of illegal drugs poses serious health and safety risks to the user, those associated with the user, and potentially to the public.

Cayuga ISD encourages students to participate in school-sponsored competitive extracurricular activities and believes the opportunity to participate is a privilege. As a condition for the privilege of participating in competitive extracurricular activities and as a condition for the privilege of obtaining and maintaining a permit to park on school property, the District has determined that the need exists to implement a program of random drug testing of students in grades seven through twelve.

Competitive extracurricular activities for which drug testing is required shall include all University Interscholastic League (UIL) activities. Examples of other activities for which submission to the drug testing program is required include, but not limited to, cheerleading , academic competitions, musical performances, dramatic productions, student government, and any other activity or group that participates in contests or competitions on behalf of or as a representative of the District. Any student desiring to secure a school parking permit shall also be required to participate in the random drug-testing program.

OBJECTIVES

The objectives of the Cayuga ISD's drug testing program shall be:

1. To promote a drug-free educational environment;
2. To protect the health and safety of all the District's students;
3. To provide students a credible means to resist peer pressure as it relates to the use of illegal drugs;
4. To offer a resource for support and assistance to students who may be using illegal drugs.

PROCEDURES

A. The District shall provide each relevant parent/guardian and student a copy of this drug testing policy and consent form prior to the student's participation in an affected activity. Before a student is allowed to participate in competitive extracurricular activities and/or obtain a permit to park on campus, the student and the parent/guardian shall be required to sign the consent form indicating their agreement to be subject to the rules and procedures of the drug testing program. If the student declines to participate in the drug testing program or consent is not given, the student shall not be allowed to participate in competitive extracurricular activities or to park a vehicle on campus. Consent forms shall be valid for one school year only and shall be annually renewed in order for students to continue participation in school-sponsored competitive extracurricular activities and/or to continue parking on campus.

B. The District shall contract for drug screening services with an independent laboratory that has met all standards for certification. The number of students tested by the laboratory and the frequency of the testing shall be determined by the school's administration. However, prior to participating in competitive extracurricular activities and/or parking on school property, all seventh through twelfth grade students will be tested.

Other elements of the testing process shall be delegated to the contracted laboratory, including the random selection of students to be tested, the collection of samples, and the analysis process. The screening shall be conducted by qualified laboratory personnel in accordance with accepted practices and procedures. Drug screening shall be accomplished by urinalysis using accepted immunological screening procedures. Chain of custody documentation shall be maintained throughout the collection and testing processes.

C. Personnel from the drug testing laboratory shall collect urine samples under conditions that are no more intrusive than those experienced in a public restroom. The Superintendent, in cooperation with the drug testing service provider, shall develop administrative regulations for collection and testing.

D. Students shall be randomly selected by the drug testing contractor for each testing occurrence. Under no circumstances shall human interference be allowed to alter the randomized nature of student selection. If a student is absent on the day of the random test, a sample shall be collected on the next random testing date.

SCREENING PARAMETERS

For purposes of this policy, the term “drug” shall be defined as any substance considered illegal by either federal or Texas law, or that is controlled by the United States Food and Drug Administration including, but not limited to, the following:

1. Amphetamines / methamphetamines (speed, uppers, diet pill);
2. Barbiturates (downers, sleeping pills);
3. Benzodiazepines (Valium, Librium);
4. Cannabinoid (marijuana);
5. Cocaine metabolite;
6. Ethanol (alcohol);
7. Hallucinogens (LSD);
8. Opiates (heroin, morphine, codeine);
9. Phencyclidine (PCP, angel dust);
10. Propoxyphene (Darvon); and
11. Anabolic steroids (performance-enhancing drugs).

Cayuga ISD reserves the right to test for any and all illegal or controlled substances as determined at the discretion of the District.

NONCOMPLIANCE, TAMPERING OR REFUSAL TO TEST

Noncompliance with any drug testing procedures by any student shall be considered a violation of this policy. Such noncompliance shall also be reported to the principal, athletic director, and/or sponsor. A student who refuses to be tested when selected or who is determined to have tampered with a sample shall be deemed to have a positive test result and shall be subject to the appropriate consequences depending on previous positive test results, if any. The parent or guardian of such a student shall be notified of the student’s noncompliance or refusal to test and of the consequences.

USE OF RESULTS

Drug test results shall be used to determine eligibility for participation in extracurricular activities and for parking a vehicle on campus. The provisions of this policy shall not limit or affect the application of state law, local polity, or the Student Code of Conduct. A student who commits a disciplinary offense, including drug-related offenses shall be subject to the consequences defined in the Student Code of Conduct and Chapter 37 of the Texas Educational Code.

CONFIDENTIALITY

The collection and coding of specimen samples shall be executed in a manner that ensures proper identification and confidentiality.

Test results shall be confidential and shall be disclosed to the student, the student's parents/guardians, the sponsor of the student's extracurricular activities, the campus parking permit official (when applicable), and only those designated District officials who need the information in order to administer the testing program and assist those requesting help. Test results shall not be maintained with a student's academic record.

Test results shall be released only upon written request of a parent/guardian or to a student who is of legal age. Test results shall be destroyed within sixty days of when the student graduates. If the student withdraws before graduation and does not return, records shall be destroyed when the student reaches nineteen years of age.

The drug testing laboratory shall be prohibited from releasing any statistical information relating to the nature or rate of any positive tests that result from the testing program to any person, organization, news publication, or the media without the expressed written consent of Cayuga ISD. The laboratory shall, however, provide the District with a report, at least once per semester, that includes the number of tests performed during the specified period, the rate of both positive and negative results, and a list of the substances identified from any positive specimens.

CONFIRMATION OF POSITIVE TEST RESULTS

An initial positive test shall be confirmed by a second test of the same specimen and reviewed by a Medical Review Officer (MRO) before being reported as positive.

Upon receiving results of a positive test, the District shall notify the student and student's parent/guardian if the student is under the age of 18. If the parent/guardian contends there is a medical explanation for a positive test, the student or parent/guardian must notify the Superintendent or designee and provide the medical documentation within five days from the time they were initially notified. If not, the positive result shall stand.

District personnel shall schedule a meeting with the student, the student's parent/guardian if the student is under the age of 18, and the athletic director or sponsor of the relevant competitive extracurricular activity to review the test results and discuss consequences.

APPEAL OF POSITIVE TEST RESULTS

Should a student and/or parent/guardian elect to appeal a positive test result, the second half of the specimen in question may be tested by a laboratory agreed upon by the District. In such cases, the student and/or parent/guardian shall assume responsibility for payment of all fees related to the second test.

A written request to appeal a positive test result must be submitted to the Superintendent or designee within five working days from the first notification of the results. The student shall be ineligible for participation in competitive extracurricular activities and/or park on school property while the appeal is pending.

RETESTING

If a student wishes to return to participation in extracurricular activities and/or park on school property after any applicable consequences, the student must be retested at the end of the period of suspension and have a negative test result. Afterwards, the student shall be retested on all

random test dates for one calendar year if the student wishes to participate in extracurricular activities and/or park on school property.

The MRO may use quantitative results to determine if positive results on retesting at the end of the suspension period indicate recent use of illicit or banned substances or the natural decline of levels of the illicit or banned substances from the body. If the MRO feels that the quantitative levels determined to be above the established cutoffs do not reflect current use by natural decay, then a negative result may be reported.

CONSEQUENCES

Consequences of positive test results shall be cumulative throughout the student's enrollment in Cayuga ISD.

For purposes of this policy, "day" shall mean school day or any nonschool day in which an extracurricular competition or event occurs and the student would have been eligible to participate. Such events may include practices or camps during the summer or on school holidays.

FIRST OFFENSE

Upon a first offense of receiving a confirmed positive drug test, a student shall be suspended from any competitive extracurricular activity, from on-campus parking privileges, and from off-campus privileges during the instructional day (not including academic requirements) for 30 calendar days following the date the student and parent/guardian are notified of the test results.

During the period of suspension, the student may participate in practices but not in any performances or competitive activities.

Prior to reinstatement of extracurricular and/or parking privileges, the student must complete (at the expense of the student or parent/guardian) a drug education program approved by the District. Proof of enrollment and completion of the program must be provided to the principal prior to the student's reinstatement.

SECOND OFFENSE

Upon a second offense of receiving a confirmed positive drug test, a student shall be suspended from any competitive extracurricular activity, from on-campus parking privileges, and from off-campus privileges during the instructional day (not including academic requirements) for 90 calendar days following the date the student and parent/guardian are notified of the test results.

During the period of suspension, the student shall not be permitted to participate in any practice.

THIRD OFFENSE

Upon a third offense of receiving a confirmed positive drug test, a student shall be suspended from any competitive extracurricular activity, from on-campus parking privileges, and from off-campus privileges during the instructional day (not including academic requirements) for 365 calendar days following the date the student and parent/guardian are notified of the test results.

During the period of suspension, the student shall not be permitted to participate in any practice.

Prior to reinstatement of extracurricular and/or parking privileges, the student shall be required to provide proof of enrollment and completion of a certified drug-abuse program (including private

counseling) approved by the District. Any cost for such external services shall be the responsibility of the student and/or parent/guardian.

FOURTH OFFENSE

Upon a fourth offense of receiving a confirmed positive drug test, a student shall be suspended from any competitive extracurricular activity, from on-campus parking privileges, and from off-campus privileges during the instructional day (not including academic requirements) for the remainder of the student's enrollment in Cayuga ISD.

END OF SEMESTER SUSPENSIONS

If a student's suspension from school-related privileges is not completed by the end of the second semester, the student shall complete the assigned period of suspension during the first semester of the following school year and/or at the beginning of fall competitive extracurricular practices/activities.

WITHDRAWAL

If a student is suspended from participation in any competitive extracurricular activity but withdraws from the competitive extracurricular activity prior to completing the requirements of the applicable suspension, the student must complete the requirements prior to participation in any competitive extracurricular activity.

APPEALS

A student and/or parent/guardian may appeal a decision made under this policy to the Superintendent's designee by filing a written complaint according to the provisions and time lines set forth in policy FNG (Local). The student shall be ineligible for participation in competitive extracurricular activities and/or parking on campus while appeal is pending.

VOLUNTARY TESTING PROGRAM

Any parent/guardian whose minor student in grades seven through twelve is not subject to Cayuga ISD's mandatory drug-testing program for extracurricular activities and/or parking privileges may request that his or her child be tested under the District's drug testing program. The cost of the testing shall be the responsibility of the parent/guardian.

To register for this program, the parent/guardian shall submit to the Superintendent or designee a written request and signed consent form. The District shall include such a student in the random testing pool in the same manner as other students in the program and shall apply the same testing procedures.

A student subject to this voluntary program shall remain in the random testing pool for the remainder of the school year or until the student withdraws.

If a student who is subject to the drug testing program by parent/guardian request refuses to be tested when selected, the District shall report the refusal to the parent/guardian.